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United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the insecticide act]

1151-1165

[Approved by the Acting Secretary of Agriculture, Washington, D. C., August 8, 1929]

1151. Misbranding of Qua-Sul. U. S. v. Alfred R. Gregory. Plea of guilty.
Fine, \$300. (I. & F. No. 1425. Dom. Nos. 19541, 20369, 20576.)

On March 24, 1927, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Alfred R. Gregory, San Francisco, Calif., alleging shipment by said defendant, in violation of the insecticide act of 1910, in various consignments, in part on or about July 12, 1924, and in part on or about March 23, 1925, from the State of California into the States of Oregon, Connecticut, and Maryland, respectively, of quantities of Qua-Sul, which was a misbranded insecticide and fungicide within the meaning of said act.

It was alleged in the information that the article was misbranded in that it consisted partially of inert substances, to wit, substances other than sodium polysulphide and sodium thiosulphate, that is to say, substances that do not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of each and every one of the inert substances so present in the article were not stated plainly and correctly on the label affixed to each of the cans containing the said article, nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal or fungicidal properties and the total percentage of the inert substances so present therein stated plainly and correctly on the said label.

On August 24, 1928, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$300.

C. F. MARVIN, *Acting Secretary of Agriculture.***1152. Adulteration and misbranding of Phenix Snow White chlorinated lime. U. S. v. Phenix Supply Co. (Inc.). Plea of nolo contendere.**
Fine, \$25. (I. & F. No. 1473. Dom. No. 20892.)

On February 21, 1928, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Phenix Supply Co. (Inc.), a corporation, Atlanta, Ga., alleging shipment by said company, in violation of the insecticide act of 1910, on or about August 2, 1927, from the State of Georgia into the State of South Carolina, of a quantity of Phenix Snow White chlorinated lime, which was an adulterated and misbranded fungicide within the meaning of said act.

It was alleged in the information that the article was adulterated in that the statement, to wit, "Active Ingredients 35 to 37% Available Chlorine When Packed," borne on the label affixed to the cans containing the said article, represented that its standard and quality were such that it contained available chlorine in the proportion of not less than 35 per cent, whereas the strength and purity of the said article fell below the professed standard and quality under which it was sold in that it contained less than 35 per cent of available chlorine.

Misbranding was alleged for the reason that the statement, to wit, "Active Ingredients 35 to 37% Available Chlorine When Packed," borne on the said label, was false and misleading, and by reason of the said statement

the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article contained available chlorine in the proportion of not less than 35 per cent, whereas the said article contained less than 35 per cent of available chlorine. Misbranding was alleged for the further reason that the statement, to wit, "Net Weight 10 Pounds," borne on the label, represented that the contents of each of the said cans were, in terms of weight, 10 pounds of the article, whereas the contents of each of the cans were not correctly stated on the label, in that the contents of each of said cans were, in terms of weight, less than 10 pounds of the article.

Misbranding was alleged for the further reason that the article consisted partially of inert substances or ingredients, to wit, substances other than available chlorine, that is to say, substances that do not prevent, destroy, repel, or mitigate fungi, and the name and percentage amount of each of the said inert substances so present in the article were not stated plainly and correctly on the label affixed to each of the cans containing the said article, nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having fungicidal properties and the total percentage of the inert substances so present therein stated plainly and correctly on the said label.

On October 27, 1928, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

1153. Misbranding of Ucco insecticide. U. S. v. 36 Gallon Bottles, et al., of Ucco Insecticide. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1484. Dom. No. 25002. S. No. 184.)

On July 14, 1928, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 36 gallon bottles, 36 half-gallon bottles, 60 quart bottles and 48 pint bottles of Ucco insecticide. It was alleged in the libel that the article had been shipped, on or about December 24, 1927, by the Union Control Corporation, Coudersport, Pa., from the State of Pennsylvania into the State of Virginia, and that having been so transported it remained unsold in the original unbroken packages at Fairfax, Va., and that it was a misbranded insecticide within the meaning of the insecticide act of 1910.

It was alleged in the libel that the article was misbranded in that the statements, to wit, "Used as an emulsion applied to the surface of the sod, turf, or soil for the control of the * * * Corn Borer," "Ucco Insecticide for the control of * * * the corn borer * * * bugs, beetles," "Ucco Insecticide throws off a poisonous gas toxin for insects, bugs, and pests which breathe by the pore route," borne on the label affixed to the bottles containing the said article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article, when used as directed, would be an effective remedy against the corn borer, would be an effective remedy against the corn borer, all bugs, and all beetles, and would be an effective remedy against all insects, all bugs, and all pests which breathe by the pore route, whereas the said article, when used as directed, would not be effective for the said purposes. Misbranding was alleged for the further reason that the article consisted partially of an inert substance or ingredient, to wit, water, that is to say, a substance that does not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of said inert substance or ingredient so present in the article were not stated plainly and correctly on the label affixed to the bottles containing the said article, nor, in lieu thereof, were the name and percentage amount of each and every one of the substances or ingredients of the article having insecticidal properties and the total percentage of inert substances or ingredients so present therein stated plainly and correctly on the said label.

On December 3, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

1154. Misbranding of Ucco insecticide. U. S. v. 22 Bottles of Ucco Insecticide. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1485. Dom. No. 25406. S. No. 185.)

On or about July 9, 1928, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District

Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 bottles of Ucco insecticide. It was alleged in the libel that the article had been shipped on or about April 28, 1928, by the Union Control Corporation, Coudersport, Pa., from the State of Pennsylvania into the State of Maryland, and that having been so transported it remained unsold in the original unbroken packages at Rocks, Md., and that it was a misbranded insecticide within the meaning of the insecticide act of 1910.

Misbranding of the article was alleged in the libel for the reason that the statements, to wit, "Used as an emulsion applied to the surface of the sod, turf, or soil for the control of the * * * Corn Borer," "Ucco Insecticide for the control of * * * the corn borer * * * bugs, beetles," "Ucco Insecticide throws off a poisonous gas toxin for insects, bugs, and pests which breathe by the pore route," borne on the label affixed to the bottles containing the said article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would be an effective remedy against the corn borer, all bugs, and all beetles, and against all insects, all bugs, and all pests which breathe by the pore route, whereas the said article, when used as directed, would not be an effective remedy against the corn borer, all bugs, and all beetles, and against all insects, all bugs, and all pests which breathe by the pore route. Misbranding was alleged for the further reason that the article consisted partially of an inert substance or ingredient, to wit, water, that is to say, a substance that does not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of said inert substance so present in the article were not stated plainly and correctly on the label affixed to each of the bottles containing the said article, nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal properties and the total percentage of inert substances so present in the article stated plainly and correctly on the label.

On October 20, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

1155. Misbranding of Phenocol disinfectant. U. S. v. Gibraltar Chemical Corporation. Plea of guilty. Fine, \$25. (I. & F. No. 1489. Dom. No. 22767.)

On November 13, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Gibraltar Chemical Corporation, New York, N. Y., alleging shipment by said company, in violation of the insecticide act of 1910, on or about July 9, 1927, from the State of New York into the State of Massachusetts, of a quantity of Phenocol disinfectant, which was a misbranded fungicide within the meaning of said act.

It was alleged in the information that the article was misbranded in that the statement, to wit, "Inert Matter Water 15%," borne on the label affixed to the cans containing the said article, was false and misleading, and by reason of the said statement the article was labeled and branded so as to deceive and mislead the purchaser, in that it represented that the article contained as inert matter water only, that is to say, a substance that does not prevent, destroy, repel, or mitigate fungi (bacteria), whereas the said article did not contain water only as an inert ingredient, but did contain as inert ingredients water and mineral oil. Misbranding was alleged for the further reason that the statements, to wit, "Phenocol a concentrated product which has high germicidal and antiseptic qualities," "Directions Washing Floors and Mopping Use half a cup to a pail of water," borne on the labels, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article possessed high germicidal and antiseptic qualities, and when used as directed would act as an effective disinfectant, whereas the said article did not possess high germicidal and antiseptic qualities, and when used as directed would not act as an effective disinfectant. Misbranding was alleged for the further reason that the article consisted partially of inert substances or ingredients, to wit, water and mineral oil, that is to say, substances that do not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and percentage amount of each and every one of the said inert substances so present

in the article were not stated plainly and correctly on the label affixed to the cans containing the said article, nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having fungicidal properties and the total percentage of the inert substances so present therein stated plainly and correctly on the said labels.

On December 3, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

1156. Misbranding of Pinatru disinfectant. U. S. v. Pino-Liptol Chemical Co. Plea of guilty. Fine, \$100. (I. & F. No. 1474. Dom. No. 23066.)

On April 6, 1928, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Pino-Liptol Chemical Co., a corporation, Long Island City, N. Y., alleging shipment by said company, in violation of the insecticide act of 1910, on or about July 29, 1927, from the State of New York into the State of New Jersey, of a quantity of Pinatru disinfectant, which was a misbranded fungicide within the meaning of said act.

It was alleged in the information that the article was misbranded in that it consisted partially of inert substances or ingredients, to wit, water and mineral oil, that is to say, substances that do not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and percentage amount of each of the said inert substances so present in the article were not stated plainly and correctly on the label, affixed to each of the drums containing the said article, nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the article having fungicidal properties and the total percentage of the inert substances or ingredients so present in the said article stated plainly and correctly on the said label.

On October 23, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

1157. Misbranding of Bug-i-cide and Bug-i-cide red mite liquid. U. S. v. John N. Wittpenn. Plea of guilty. Fine, \$5. (I. & F. No. 1476. Dom. No. 23060.)

On May 31, 1928, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John N. Wittpenn, trading as the Rockland Chemical Co., Newark, N. J., alleging shipment by said defendant, in violation of the insecticide act of 1910, on or about April 30, 1927, from the State of New Jersey into the State of New York, of quantities of Bug-i-cide, "The Great Insect Destroyer," and Bug-i-cide red mite liquid, which were misbranded insecticides within the meaning of said act.

It was alleged in the information that the articles were misbranded in that the statements, to wit, "Bug-i-cide, The Great Insect Destroyer, Kills Instantly Bed Bugs, Roaches, Water Bugs, Moths, Ants, Mosquitoes, Fleas, Spiders, Carpet Bugs, Poultry Lice, Mites, Nits, and absolutely destroys the Larvae or eggs of such insect life," "Bug-i-cide Red Mite Liquid. Kills Instantly. Bed Mites, Poultry Lice, Bed Bugs, Roaches, Water Bugs, Moths, Ants, Mosquitoes, Fleas, Spiders, Carpet Bugs, Nits, and absolutely destroys the Larvae or eggs of such insect life," with regard to the respective products, and the statements, to wit, "Directions. Spray thoroughly in all cracks or crevices or wherever insects are likely to be found. A second application within a week may be advisable in order to be absolutely sure that all nits and eggs which have been hatched since the first treatment are destroyed," with regard to both products, borne on the labels affixed to the cans containing the articles, were false and misleading, and by reason of the said statements the articles were labeled so as to deceive and mislead the purchaser, in that they represented that the said articles when used as directed would be effective remedies against the nits, larvae, and eggs of ants, mosquitoes, and fleas, and would be effective remedies against the nits and eggs of all insects, whereas the said articles when used as directed would not be effective for the said purposes. Misbranding was alleged for the further reason that the statement, to wit, "One Quart," borne on the can labels of both products, represented that the contents of the said cans were, in terms of measure, one quart of the article, whereas the contents

of the said cans were not correctly stated on the outside thereof, in that each of said cans contained less than one quart of the article.

On June 4, 1928, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

C. F. MARVIN, *Acting Secretary of Agriculture.*

1158. Adulteration and misbranding of Cresol Compound U. S. P. (Liquor Cresolis Comp.). U. S. v. Clifton Chemical Co. Plea of guilty. Fine, \$20. (I. & F. No. 1483. Dom. No. 23801.)

On July 3, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Clifton Chemical Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the insecticide act of 1910, on or about August 16, 1927, from the State of New York into the State of New Jersey, of a quantity of Cresol Compound U. S. P. (Liquor Cresolis Comp.), which was an adulterated and misbranded fungicide within the meaning of said act.

It was alleged in the information that the article was adulterated in that the statements, to wit, "Cresol Compound U. S. P. (Liquor Cresolis Comp.) Active Ingredients—Cresols 50%," borne on the label affixed to the drum containing the said article, represented that its standard and quality were such that it was liquor cresolis compositus, U. S. P., and contained cresols in the proportion of not less than 50 per cent, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was not liquor cresolis compositus, U. S. P., in that it contained phenols other than cresols, and contained more water and less soap than liquor cresolis compositus, U. S. P., and contained less than 50 per cent of cresols. Adulteration was alleged for the further reason that the statement, to wit, "Cresol Compound U. S. P. (Liquor Cresolis Comp.)," borne on the said label, represented that the article was liquor cresolis compositus, U. S. P., whereas it was not liquor cresolis compositus, U. S. P., in that water and phenols other than cresols had been substituted in part for the said article, that is to say, for cresols as prescribed for liquor cresolis compositus by the Pharmacopoeia of the United States.

Misbranding was alleged for the reason that the statements, "Cresol Compound U. S. P. (Liquor Cresolis Comp.)," "Active Ingredients—cresols 50%," borne on the label, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article was liquor cresolis compositus as prescribed in the Pharmacopoeia of the United States, and contained cresols in the proportion of not less than 50 per cent, and that cresol was the only active ingredient of the said article, whereas the article was not liquor cresolis compositus as prescribed by the said pharmacopoeia, in that it contained phenols other than cresols and contained more water and less soap than liquor cresolis compositus as prescribed in the said pharmacopoeia, it contained cresols in a proportion less than 50 per cent, and contained as active ingredients cresols and other phenols and soap. Misbranding was alleged for the further reason that the article consisted partially of inert substances or ingredients, to wit, water and glycerin, that is to say, substances that do not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and percentage amount of each of the said inert substances were not stated plainly and correctly on the label affixed to the said drum, nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the article having fungicidal properties and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly on the said label.

On July 19, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

C. F. MARVIN, *Acting Secretary of Agriculture.*

1159. Misbranding of Lac-A-Ant. U. S. v. James T. Reynolds & Sons (Inc.). Plea of guilty. Fine, \$100. (I. & F. No. 1466. Dom. No. 22478.)

On February 17, 1928, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James T. Reynolds & Sons (Inc.), a corporation trading at Lapeer, Mich., alleging shipment by said company, in violation of the insecticide act of 1910,

on or about February 14, 1927, from the State of Michigan into the State of Indiana, of a quantity of Lac-A-Ant, which was a misbranded insecticide within the meaning of said act.

It was alleged in the information that the article was misbranded in that the statements, to wit, "Non-Poisonous," "Lac-A-Ant Exterminates Ants. Guarantee Lac-A-Ant is guaranteed by the manufacturers to exterminate ants * * *. If a single application does not exterminate all ants repeat with a second application," "Total inert ingredients, cocoa shells not over 20 per cent," borne on the packages containing the said article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article was nonpoisonous, that when used as directed it would exterminate ants under all conditions, and contained cocoa shells only as an inert ingredient, that is to say, a substance that does not prevent, destroy, repel, or mitigate insects, and contained cocoa shells in the proportion of 20 per cent; whereas the article was poisonous, in that it consisted principally of a poisonous substance, to wit, sodium fluoride, when used as directed it would not exterminate ants under all conditions, and the said article in certain of the packages did not contain cocoa shells only as an inert ingredient, but contained inert ingredients other than cocoa shells, and contained inert ingredients in a proportion much less than 20 per cent, and the article, in certain of the packages contained no cocoa shells, but did contain inert ingredients other than cocoa shells. Misbranding was alleged for the further reason that the article consisted partially of inert ingredients, to wit, substances other than pure sodium fluoride in certain of the packages, and substances other than sodium fluoride and powdered pyrethrum flower heads in certain of the packages, that is to say, substances that do not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of each of the said inert substances so present in the article were not stated plainly and correctly on the labels affixed to the packages containing the said article, nor, in lieu thereof, were the name and the percentage amount of each substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substances so present therein stated plainly and correctly on the said labels.

On March 17, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

1160. Adulteration of carbolic acid liquefied phenol. U. S. v. American Drug & Press Association. Plea of guilty. Fine, \$50 and costs. (I. & F. No. 1416. Dom. No. 21010.)

On December 2, 1926, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the American Drug & Press Association, a corporation, trading at Decorah, Iowa, alleging shipment by said company, in violation of the insecticide act of 1910, on or about March 19, 1925, from the State of Iowa into the State of Washington, of a quantity of carbolic acid liquefied phenol, which was an adulterated insecticide and fungicide within the meaning of said act.

It was alleged in the information that the article was adulterated in that it was intended for use on vegetation, to wit, plants, and when so used upon vegetation as directed by the label it would be injurious thereto.

On December 5, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

1161. Adulteration and misbranding of Chipman brand dry powdered arsenate of lead. U. S. v. 180 Pounds of Chipman Brand Dry Powdered Arsenate of Lead. Consent decree of condemnation, forfeiture, and destruction. (I. & F. No. 1495. Dom. No. 02993. S. No. 186.)

On or about February 13, 1929, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 180 pounds of Chipman brand dry powdered arsenate of lead. It was alleged in the libel that the article was contained in 1-pound bags, that it had been shipped on or about May 17, 1928, by the Chipman Chemical Engineering Co., Bound Brook, N. J., from the State of New Jersey

into the State of Connecticut, and that having been so transported it remained in the original unbroken packages at New Haven, Conn., and that it was an adulterated and misbranded insecticide within the meaning of the insecticide act of 1910.

It was alleged in the libel that the article was adulterated in that the statement, to wit, "Arsenic in Water Soluble Form (as metallic) not more than 0.7%," borne on the label affixed to the bags containing the article, and the statement, to wit, "Arsenic in water soluble forms (as metallic) not more than 0.5%," borne on the label affixed to the cartons containing the said bags, represented that the standard and quality of the article were such that it contained water soluble arsenic (as metallic) in a proportion not greater than 0.7 per cent, whereas the strength and purity of the said article fell below the professed standard and quality under which it was sold in that it contained water soluble arsenic (as metallic) in a proportion greater than 0.7 per cent. Adulteration was alleged for the further reason that the article was intended for use on vegetation and, when used thereon as directed, would be injurious to certain of such vegetation.

Misbranding was alleged for the reason that the above-quoted statements, borne on the labels of the bags and cartons, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article contained water soluble arsenic (as metallic) in the proportion of not more than 0.7 per cent, whereas the article contained water soluble arsenic (as metallic) in a proportion greater than 0.7 per cent. Misbranding was alleged for the further reason that the statements, to wit, "Directions. The directions hereon are supplied by us gratuitously, and are believed to be reliable and of value, but are in no way guaranteed. For Spraying Fruits, such as Apples and Pears, for chewing insects, such as case-bearers, fruit and canker worms, codling moth, curculio, etc., use from 1 to 1½ pounds to 50 gallons of spray. On stone fruits, such as Peaches, Plums, and Cherries, for such chewing insects as curculio and caterpillars, use from ¾ to 1 pound to 50 gallons of spray. When used on stone fruits always add milk of lime, made by slaking three to four pounds of stone lime to each 50 gallons of spray material. On Grapes for such chewing insects as berry moth and grape root worm, use from 1 to 2 pounds to each 50 gallons of spray. For Use On Hardy Vegetables, such as Potatoes, Tomatoes, Cabbage, etc., for such chewing insects as potato bug and worms, use from 2 to 3 pounds to each 50 gallons of spray. For Dusting Hardy Plants, such as Potatoes, Tomatoes, Tobacco, Cabbage, etc., apply at the rate of 5 pounds per acre," borne on the label affixed to the said bags, the statements, to wit, "Directions. These directions are supplied by us gratuitously and are believed to be reliable and of value, but are in no way guaranteed. For spraying fruit such as apples, pears, cherries, grapes, berries, etc., use from 1 to 1½ pounds of dry Arsenate of Lead to each 59 gallons of water or fungicidal spray. Unless used with lime sulphur, Bordeaux mixture, or some fungicide containing lime, always add milk of lime, made by slaking two or three pounds of stone lime to every 50 gallons of spray solution. For use on vegetables such as potatoes, tomatoes, squash, cucumbers, beans, melons, cabbage, cauliflower, etc., use from 1 to 2 pounds of dry Arsenate of Lead to each 50 gallons of water or Bordeaux spray. For dusting potatoes, tobacco, etc., mix each part of dry Arsenate of Lead with 7 parts of hydrated lime. Follow carefully detailed instructions from U. S. Department of Agriculture and State Experiment Stations," borne on the label affixed to the said cartons, and the statements, to wit, "The use of this material being beyond our knowledge and control and involving elements of risk to vegetation, we do not make any warranty, expressed or implied, as to the effects of such use, whether or not in accordance with directions or claimed so to be," borne on the labels of the said bags and cartons, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article could be safely used on the foliage of plants for all the purposes mentioned in the said directions, whereas the article could not be safely used on the foliage of plants for all purposes mentioned in the said directions, but such use would prove seriously injurious to the foliage of certain plants when used thereon as directed.

On February 28, 1929, by consent of the claimant, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

1162. Misbranding of Dethnel roach powder. U. S. v. U. S. Sanitary Specialties Corporation. Plea of guilty. Fine, \$25 and costs. (I. & F. No. 1487. Dom. Nos. 23503, 23654.)

On October 19, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the U. S. Sanitary Specialties Corporation, Chicago, Ill., alleging shipment by said company, in violation of the insecticide act of 1910, on or about June 3, 1927, from the State of Illinois into the State of Utah, and on or about June 25, 1927, from the State of Illinois into the State of Minnesota, of quantities of Dethnel roach powder, which was a misbranded insecticide within the meaning of said act.

It was alleged in the information that the article was misbranded in that the statement, to wit, "Net Weight 16 Ounces," borne on the label affixed to each of the packages of the article, represented that the said packages contained, in terms of weight, 16 ounces of the article, whereas the contents of each of the said packages were not correctly stated on the outside thereof in that the said contents were, in terms of weight, less than 16 ounces of the article.

On May 1, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

1163. Adulteration and misbranding of Fruit Kil-Tone. U. S. v. The Lucas Kil-Tone Co. Plea of guilty. Fine, \$25. (I. & F. No. 1492. Dom. No. 22048.)

On February 13, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Lucas Kil-Tone Co., a corporation, Vineland, N. J., alleging shipment by said company, in violation of the insecticide act of 1910, on or about May 21, 1926, from the State of New Jersey into the State of New York, of a quantity of Fruit Kil-Tone, which was an adulterated and misbranded insecticide and fungicide within the meaning of said act.

It was alleged in the information that the article was adulterated in that the statements, to wit, "Dry Lead Arsenate 73.00-76.00%, Inert Ingredients not more than 21.75%, Total Arsenic, expressed as metallic, 14.00-16.00%," borne on the label affixed to each of the bags containing the said article, represented that its standard and quality were such that it contained lead arsenate in the proportion of not less than 73 per cent, contained total arsenic, expressed as metallic arsenic, in the proportion of not less than 14 per cent and contained inert ingredients, namely, substances that do not prevent, destroy, repel, or mitigate insects or fungi, in the proportion of not more than 21.75 per cent, whereas the strength and purity of the said article fell below the professed standard and quality under which it was sold in that it contained less than 73 per cent of lead arsenate, it contained less than 14 per cent of total arsenic, expressed as metallic arsenic, and contained more than 21.75 per cent of inert ingredients.

Misbranding was alleged for the reason that the above-quoted statements, borne on the label, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article contained lead arsenate, total arsenic, expressed as metallic arsenic, and inert ingredients in the percentages declared on the label, whereas it contained less lead arsenate, less total arsenic, expressed as metallic arsenic, and more inert ingredients than so represented. Misbranding was alleged for the further reason that the statements, to wit, "Fruit Kil-Tone Dry Form * * * For the Spraying of Fruit. An adhesive combined insecticide and fungicide * * * Fruit Kil-Tone is a combination of arsenate of Lead * * * with a specifically prepared copper fungicide. Fruit Kil-Tone has been successfully used by many of our customers for the prevention of many diseases of the apple, pear, and quince, controllable by copper sprays, and against many leaf-eating insects * * * Fruit Kil-Tone may be used in accordance with panel No. 2 at the rate of 3-4 lbs. in 50 gallons of water," borne on the labels, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article when used as directed would be effective against the more important diseases

of apple, pear, and quince, which are controllable with copper sprays, whereas the said article when used as directed would not be effective against the more important diseases of apple, pear, and quince, which are controllable with copper sprays. Misbranding was alleged for the further reason that the article consisted partially of inert substances or ingredients, to wit, substances other than lead arsenate and copper (expressed as metallic copper), namely, substances that do not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of each and every one of the said inert substances so present in the article were not stated plainly and correctly on the label affixed to the bags containing the said article, nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the inert substances or ingredients so present in the article, stated plainly and correctly on the said label.

On March 1, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

1164. Adulteration and misbranding of No. 86 Calispray tomato dust. U. S. v. The California Sprayer Co. Plea of guilty. Fine, \$300. (I. & F. No. 1482. Dom. No. 22718.)

On July 3, 1928, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the California Sprayer Co., a corporation, Los Angeles, Calif., alleging shipment by said company, in violation of the insecticide act of 1910, on or about May 17, 1927, from the State of California into the State of Washington, of a quantity of No. 86 Calispray tomato dust, which was an adulterated and misbranded insecticide and fungicide within the meaning of said act.

It was alleged in the information that the article was adulterated in that the statements, to wit, "Standard Lead Arsenate 45.0%, Dehydrated Copper Sulphate 12.5% * * *, Lead Arsenate, not less than 44.0%, Copper from dehydrated copper sulphate 4.5%, Inert Ingredients not more than 51.5%, Total Arsenic (as metallic) not less than 8.8%," borne on the label affixed to the drum containing the said article, represented that the standard and quality of the article were such that it contained lead arsenate in the proportion of not less than 44 per cent, contained dehydrated copper sulphate in the proportion of not less than 12.5 per cent, contained copper from dehydrated copper sulphate in the proportion of not less than 4.5 per cent, contained total arsenic, as metallic, in the proportion of not less than 8.8 per cent, and contained inert ingredients, namely substances that do not prevent, destroy, repel, or mitigate insects or fungi, in the proportion of not more than 51.5 per cent, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold in that it contained less than 44 per cent of lead arsenate, less than 12.5 per cent of dehydrated copper sulphate, less than 4.5 per cent of copper from dehydrated copper sulphate, less than 8.8 per cent of total arsenic, as metallic, and contained more than 51.5 per cent of inert ingredients.

Misbranding was alleged for the reason that the above-quoted statements, borne on the label, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article contained lead arsenate, dehydrated copper sulphate, copper from dehydrated copper sulphate, total arsenic, as metallic, and inert ingredients in the percentages declared on the said label, whereas the article contained less lead arsenate, less dehydrated copper sulphate, less copper from dehydrated copper sulphate, less total arsenic, as metallic, and more inert ingredients than so represented.

On April 2, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300.

C. F. MARVIN, *Acting Secretary of Agriculture.*

1165. Misbranding of Cenol dip disinfectant. U. S. v. Cenol Co. Plea of guilty. Fine, \$50 and costs. (I. & F. No. 1458. Dom. No. 20883.)

On January 16, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against

the Cenol Co., Chicago, Ill., alleging shipment by said company, in violation of the insecticide act of 1910, on or about March 14, 1927, from the State of Illinois into the State of Alabama, of a quantity of Cenol dip disinfectant, which was a misbranded fungicide within the meaning of said act.

It was alleged in the information that the article was misbranded in that the statement, to wit, "Half Pint," borne on the label affixed to each of the cans containing the said article, represented that the contents of each of the cans were, in terms of measure, one-half pint of the article, whereas the contents of each of the said cans were not correctly stated on the outside of the package, in that they contained less than one-half pint of the said article.

On May 1, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

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